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10/568,284	02/15/2006	Sen'ichi Onoda	2006_0178A	2341

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EXAMINER	
PARDO, THUY N	

ART UNIT	PAPER NUMBER
2627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,284	ONODA ET AL.	
	Examiner	Art Unit	
	Thuy N. Pardo	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment December 29, 2009 in response to Examiner's Office Action has been reviewed. Claims 1-15 are pending in the application. Claims 1, 5, 9-15 are amended. This Office Action is made Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For instance, the newly added feature of "a second license obtainment unit" is unclear in the context when there is no prior mention of "a first license obtainment unit" in the claims. However, in the compact of prosecution, please note Examiner's interpretations for analysis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (Hereinafter "Shimizu") US Patent Application No. 2007/0124251 in view of Kitahara et al. (Hereinafter "Kitahara") US Patent Application No. 2007/0094736.

Referring to claim 1, Shimizu teaches transmission apparatus [see the abstract] comprising:

a second license obtainment unit [license generation unit, 11b of fig. 1] configured to obtain second license data [license ID_L3, fig. 12; s25 of fig. 16] for a second content that is a content linked from a first content [link content C2 to content C1, see fig. 8; fig. 12; 0150; 0211; 0213];

a multiplexed data generation unit [11d of fig. 1] configured to generate multiplexed data by multiplexing the obtained second license data on a part of the first content and a content to be stored in a content reproduction apparatus [a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176 stored in recording medium 17 of fig. 1]; and

a transmission unit [11f of fig. 1] configured to transmit the generated multiplexed data to a content reproduction apparatus by streaming [Time: "from beginning 0 min. to beginning 60 min", or "from 60 min. to beginning 90 min", fig. 21].

However, Shimizu does not explicitly teach obtaining a second license data on the first content, the first content being a content to be distributed through streaming, the second license data showing a condition for permitting reproduction of the second content or showing

permission for reproducing the second content although it has the same functionality of reproducing partial content contained in the collective content recorded on the recording medium. Kitahara teaches obtaining a second license data on the first content [reproduction of content A and a sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018], and the first content being a content to be distributed through streaming, the second license data showing a condition for permitting reproduction of the second content or showing permission for reproducing the second content [content A linked to content B on the channel #1 and both have sublicences of content A & B, see fig. 17;

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Kitahara to the system of Shimizu as an essential means to ensure authorized utilization of contents by user to have ability to protect copyright of contents and eliminate the flood of accesses to the license server for obtaining the licenses.

Referring to claim 2, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that said multiplexed data generation unit is configured to generate the multiplexed data by multiplexing the second license data on the part of the first content, the second license data permitting longer reproduction of the second content as an elapsed time from a start of the transmission of the multiplexed data including the first content becomes longer [Time: “from beginning 0 min. to beginning 60 min”, or “from 60 min. to beginning 90 min”, fig. 21].

Referring to claim 3, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a third content is further linked from the first content, and said multiplexed data generation unit is operable to transmit multiplexed data generated by sequentially multiplexing for predetermined periods of time, on the first content, the second license data that permits reproduction of the second content and third license data that permits reproduction of the third content [fig. 21-23], multiplexing the second license data on the part of the first content and by multiplexing third license data on an other part of the first content [license (1/2) on the first part of the first content, and license (2/2) on the second part of the first content, see fig. 32].

Referring to claim 4, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that in the case where the content reproduction apparatus is permitted to store license data, said multiplexed data generation unit is configured to generate the multiplexed data by including a flag indicating prohibition of storing two or more license data of contents linked from a same content [0192-0193].

Referring to claim 5, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a content reproduction apparatus [ab], comprising: a receiving unit [operation input unit, 16 of fig. 1] configured to receive multiplexed data through streaming, the multiplexed data being generated by multiplexing , second license data on part of first content, the first content being a content to be distributed through the streaming, the second license data showing a condition for permitting reproduction of a second content or showing a

permission for reproducing the second content [a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176]content C6 has license 6 and content C7 has license 7, see fig. 14]. Kitahara also further teaches a reproduction unit configured to perform streaming reproduction of first content using the extracted part of the first content, and (ii) switch reproduction from the first content to the second content, when the second license data has been extracted from the received part of the multiplexed data and the reproduction of the second content is permitted according to the extracted second license data [reproduction of content A and a sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018].

Referring to claim 6, Shimizu and Kitahara teaches the invention substantially as claimed. Kitahara further teaches a content obtainment unit configured to obtain the second content from a server via a communication network in the case where the second content is not stored in said content storage unit [0049; 12 of fig. 1].

Referring to claim 7, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a third content is linked from the first content [content C67 links to content C6 and content C7, fig. 22], said receiving unit is configured to receive multiplexed data (i) which is generated by multiplexing the second license data on the part of the first content and by multiplexing the third license data on an other part of the first content [license (1/2) and license 2/2 for licensing the first part and the second part of the first content,

see fig. 32; a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176], on the first content, the second license data that permits reproduction of the second content and third license data that permits reproduction of the third content [produce C67 from content C6 and content C7, fig. 22], and (ii) which includes a flag indicating prohibition of storing two or more license data multiplexed on one content [0192-0193], said content reproduction apparatus further comprises a license storage unit operable to store only extracted latest license data according to the flag [0022; 0026]; and Kitahara also further teaches a reproduction unit operable to reproduce the extracted first content, and then reproduce the obtained second content based on the second license data by switching the reproduction from the first content to the second content when the second content is obtained [0201], and obtaining a second license data on the first content [reproduction of content A and a sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018].

Referring to claims 8-15, all limitations of these claims have been addressed in the analysis of claims 1-7 above, and these claims are rejected on that basis.

Response to Arguments

4. Applicant's arguments filed on December 29, 2008 have been fully considered but they are not persuasive.

Applicant argues that Shimizu fails to disclose or suggest a license distribution method for permitting reproduction of a streaming content or content read from a recoding medium.

Examiner respectfully disagrees. Shimizu teaches broadcasting streams as contents in the content use control device of the present invention, license information can be created from control information contained in a stream when recording a content from digital broadcasting and extract the use condition from the control information contained in the stream to generate license information based on the use condition [0229; fig. 25].

Applicant argues that Kitahara fails to disclose or suggest multiplexing sublicenses of other content linked from a content which is currently being reproduced on the content currently being reproduced, and transmitting the content.

As to this point, Examiner respectfully disagrees. Examiner believes that Kitahara teaches this feature. Kitahara teaches on the basis of the sublicense and the main license of the contents B distributed along with the contents A for a time period during which contents A are reproduced (during distribution of contents A) as to whether or not utilization of the contents B distributed subsequently to the contents A is permitted. Namely, during distribution of the contents A, whether or not utilization of contents B subsequently distributed is permitted is confirmed in advance [0186-0194; fig. 16-17].

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/
Primary Examiner, Art Unit 2627